



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5292

Introduced 2/3/2010, by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-12.1	from Ch. 46, par. 19-12.1
10 ILCS 5/19-12.2	from Ch. 46, par. 19-12.2

Amends the Election Code. Applies the provisions governing the use of absentee ballots by nursing home residents to residents of supportive living facilities and assisted living and shared housing arrangements. Effective immediately.

LRB096 18374 JAM 33751 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 19-12.1 and 19-12.2 as follows:

6 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

7 (Text of Section before amendment by P.A. 96-339)

8 Sec. 19-12.1. Any qualified elector who has secured an
9 Illinois Disabled Person Identification Card in accordance
10 with The Illinois Identification Card Act, indicating that the
11 person named thereon has a Class 1A or Class 2 disability or
12 any qualified voter who has a permanent physical incapacity of
13 such a nature as to make it improbable that he will be able to
14 be present at the polls at any future election, or any voter
15 who is a resident of a facility licensed or certified pursuant
16 to the Nursing Home Care Act, the Assisted Living and Shared
17 Housing Act, or the Supportive Living Facilities Program
18 provisions of the Illinois Public Aid Code and has a condition
19 or disability of such a nature as to make it improbable that he
20 will be able to be present at the polls at any future election,
21 may secure a disabled voter's or incapacitated senior's ~~nursing~~
22 ~~home resident's~~ identification card, which will enable him to
23 vote under this Article as a physically incapacitated or

1 incapacitated senior ~~nursing home~~ voter.

2 Application for a disabled voter's or incapacitated
3 senior's ~~nursing home resident's~~ identification card shall be
4 made either: (a) in writing, with voter's sworn affidavit, to
5 the county clerk or board of election commissioners, as the
6 case may be, and shall be accompanied by the affidavit of the
7 attending physician specifically describing the nature of the
8 physical incapacity or the fact that the voter is a nursing
9 home, assisted living, shared housing, or supportive living
10 facility resident and is physically unable to be present at the
11 polls on election days; or (b) by presenting, in writing or
12 otherwise, to the county clerk or board of election
13 commissioners, as the case may be, proof that the applicant has
14 secured an Illinois Disabled Person Identification Card
15 indicating that the person named thereon has a Class 1A or
16 Class 2 disability. Upon the receipt of either the sworn-to
17 application and the physician's affidavit or proof that the
18 applicant has secured an Illinois Disabled Person
19 Identification Card indicating that the person named thereon
20 has a Class 1A or Class 2 disability, the county clerk or board
21 of election commissioners shall issue a disabled voter's or
22 incapacitated senior's ~~nursing home resident's~~ identification
23 card. Such identification cards shall be issued for a period of
24 5 years, upon the expiration of which time the voter may secure
25 a new card by making application in the same manner as is
26 prescribed for the issuance of an original card, accompanied by

1 a new affidavit of the attending physician. The date of
2 expiration of such five-year period shall be made known to any
3 interested person by the election authority upon the request of
4 such person. Applications for the renewal of the identification
5 cards shall be mailed to the voters holding such cards not less
6 than 3 months prior to the date of expiration of the cards.

7 Each disabled voter's or incapacitated senior's ~~nursing~~
8 ~~home—resident's~~ identification card shall bear an
9 identification number, which shall be clearly noted on the
10 voter's original and duplicate registration record cards. In
11 the event the holder becomes physically capable of resuming
12 normal voting, he must surrender his disabled voter's or
13 incapacitated senior's ~~nursing home resident's~~ identification
14 card to the county clerk or board of election commissioners
15 before the next election.

16 The holder of a disabled voter's or incapacitated senior's
17 ~~nursing home—resident's~~ identification card may make
18 application by mail for an official ballot within the time
19 prescribed by Section 19-2. Such application shall contain the
20 same information as is included in the form of application for
21 ballot by a physically incapacitated elector prescribed in
22 Section 19-3 except that it shall also include the applicant's
23 disabled voter's or incapacitated senior's identification card
24 number and except that it need not be sworn to. If an
25 examination of the records discloses that the applicant is
26 lawfully entitled to vote, he shall be mailed a ballot as

1 provided in Section 19-4. The ballot envelope shall be the same
2 as that prescribed in Section 19-5 for physically disabled
3 voters, and the manner of voting and returning the ballot shall
4 be the same as that provided in this Article for other absentee
5 ballots, except that a statement to be subscribed to by the
6 voter but which need not be sworn to shall be placed on the
7 ballot envelope in lieu of the affidavit prescribed by Section
8 19-5.

9 Any person who knowingly subscribes to a false statement in
10 connection with voting under this Section shall be guilty of a
11 Class A misdemeanor.

12 (Source: P.A. 86-820; 86-875; 86-1028.)

13 (Text of Section after amendment by P.A. 96-339)

14 Sec. 19-12.1. Any qualified elector who has secured an
15 Illinois Disabled Person Identification Card in accordance
16 with The Illinois Identification Card Act, indicating that the
17 person named thereon has a Class 1A or Class 2 disability or
18 any qualified voter who has a permanent physical incapacity of
19 such a nature as to make it improbable that he will be able to
20 be present at the polls at any future election, or any voter
21 who is a resident of a facility licensed or certified pursuant
22 to the Nursing Home Care Act or the MR/DD Community Care Act, the Assisted Living and Shared Housing Act, and the Supportive
23 Living Facilities Program provisions of the Illinois Public Aid
24 Code and has a condition or disability of such a nature as to
25

1 make it improbable that he will be able to be present at the
2 polls at any future election, may secure a disabled voter's or
3 incapacitated senior's ~~nursing home resident's~~ identification
4 card, which will enable him to vote under this Article as a
5 physically incapacitated or incapacitated senior ~~nursing home~~
6 voter.

7 Application for a disabled voter's or incapacitated
8 senior's ~~nursing home resident's~~ identification card shall be
9 made either: (a) in writing, with voter's sworn affidavit, to
10 the county clerk or board of election commissioners, as the
11 case may be, and shall be accompanied by the affidavit of the
12 attending physician specifically describing the nature of the
13 physical incapacity or the fact that the voter is a ~~nursing~~
14 ~~home~~ resident of a nursing home, assisted living establishment,
15 shared housing establishment, or supportive living facility
16 and is physically unable to be present at the polls on election
17 days; or (b) by presenting, in writing or otherwise, to the
18 county clerk or board of election commissioners, as the case
19 may be, proof that the applicant has secured an Illinois
20 Disabled Person Identification Card indicating that the person
21 named thereon has a Class 1A or Class 2 disability. Upon the
22 receipt of either the sworn-to application and the physician's
23 affidavit or proof that the applicant has secured an Illinois
24 Disabled Person Identification Card indicating that the person
25 named thereon has a Class 1A or Class 2 disability, the county
26 clerk or board of election commissioners shall issue a disabled

1 voter's or incapacitated senior's ~~nursing home resident's~~
2 identification card. Such identification cards shall be issued
3 for a period of 5 years, upon the expiration of which time the
4 voter may secure a new card by making application in the same
5 manner as is prescribed for the issuance of an original card,
6 accompanied by a new affidavit of the attending physician. The
7 date of expiration of such five-year period shall be made known
8 to any interested person by the election authority upon the
9 request of such person. Applications for the renewal of the
10 identification cards shall be mailed to the voters holding such
11 cards not less than 3 months prior to the date of expiration of
12 the cards.

13 Each disabled voter's or incapacitated senior's ~~nursing~~
14 ~~home resident's~~ identification card shall bear an
15 identification number, which shall be clearly noted on the
16 voter's original and duplicate registration record cards. In
17 the event the holder becomes physically capable of resuming
18 normal voting, he must surrender his disabled voter's or
19 incapacitated senior's ~~nursing home resident's~~ identification
20 card to the county clerk or board of election commissioners
21 before the next election.

22 The holder of a disabled voter's or incapacitated senior's
23 ~~nursing home resident's~~ identification card may make
24 application by mail for an official ballot within the time
25 prescribed by Section 19-2. Such application shall contain the
26 same information as is included in the form of application for

1 ballot by a physically incapacitated elector prescribed in
2 Section 19-3 except that it shall also include the applicant's
3 disabled voter's or incapacitated senior's identification card
4 number and except that it need not be sworn to. If an
5 examination of the records discloses that the applicant is
6 lawfully entitled to vote, he shall be mailed a ballot as
7 provided in Section 19-4. The ballot envelope shall be the same
8 as that prescribed in Section 19-5 for physically disabled
9 voters, and the manner of voting and returning the ballot shall
10 be the same as that provided in this Article for other absentee
11 ballots, except that a statement to be subscribed to by the
12 voter but which need not be sworn to shall be placed on the
13 ballot envelope in lieu of the affidavit prescribed by Section
14 19-5.

15 Any person who knowingly subscribes to a false statement in
16 connection with voting under this Section shall be guilty of a
17 Class A misdemeanor.

18 For the purposes of this Section, "nursing home resident"
19 includes a resident of a facility licensed under the MR/DD
20 Community Care Act.

21 (Source: P.A. 96-339, eff. 7-1-10.)

22 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

23 (Text of Section before amendment by P.A. 96-339)

24 Sec. 19-12.2. Voting by physically incapacitated or
25 incapacitated senior electors who have made proper application

1 to the election authority not later than 5 days before the
2 regular primary and general election of 1980 and before each
3 election thereafter shall be conducted on the premises of
4 facilities licensed or certified pursuant to the Nursing Home
5 Care Act, the Assisted Living and Shared Housing Act, and the
6 Supportive Living Facilities Program provisions of the
7 Illinois Public Aid Code for the sole benefit of residents of
8 such facilities. Such voting shall be conducted during any
9 continuous period sufficient to allow all applicants to cast
10 their ballots between the hours of 9 a.m. and 7 p.m. either on
11 the Friday, Saturday, Sunday or Monday immediately preceding
12 the regular election. This absentee voting on one of said days
13 designated by the election authority shall be supervised by two
14 election judges who must be selected by the election authority
15 in the following order of priority: (1) from the panel of
16 judges appointed for the precinct in which such facility is
17 located, or from a panel of judges appointed for any other
18 precinct within the jurisdiction of the election authority in
19 the same ward or township, as the case may be, in which the
20 facility is located or, only in the case where a judge or
21 judges from the precinct, township or ward are unavailable to
22 serve, (3) from a panel of judges appointed for any other
23 precinct within the jurisdiction of the election authority. The
24 two judges shall be from different political parties. Not less
25 than 30 days before each regular election, the election
26 authority shall have arranged with the chief administrative

1 officer of each facility in his or its election jurisdiction a
2 mutually convenient time period on the Friday, Saturday, Sunday
3 or Monday immediately preceding the election for such voting on
4 the premises of the facility and shall post in a prominent
5 place in his or its office a notice of the agreed day and time
6 period for conducting such voting at each facility; provided
7 that the election authority shall not later than noon on the
8 Thursday before the election also post the names and addresses
9 of those facilities from which no applications were received
10 and in which no supervised absentee voting will be conducted.
11 All provisions of this Code applicable to pollwatchers shall be
12 applicable herein. To the maximum extent feasible, voting
13 booths or screens shall be provided to insure the privacy of
14 the voter. Voting procedures shall be as described in Article
15 17 of this Code, except that ballots shall be treated as
16 absentee ballots and shall not be counted until the close of
17 the polls on the following day. After the last voter has
18 concluded voting, the judges shall seal the ballots in an
19 envelope and affix their signatures across the flap of the
20 envelope. Immediately thereafter, the judges shall bring the
21 sealed envelope to the office of the election authority who
22 shall deliver such ballots to the election authority's central
23 ballot counting location prior to the closing of the polls on
24 the day of election. The judges of election shall also report
25 to the election authority the name of any applicant in the
26 facility who, due to unforeseen circumstance or condition or

1 because of a religious holiday, was unable to vote. In this
2 event, the election authority may appoint a qualified person
3 from his or its staff to deliver the ballot to such applicant
4 on the day of election. This staff person shall follow the same
5 procedures prescribed for judges conducting absentee voting in
6 such facilities and shall return the ballot to the central
7 ballot counting location before the polls close. However, if
8 the facility from which the application was made is also used
9 as a regular precinct polling place for that voter, voting
10 procedures heretofore prescribed may be implemented by 2 of the
11 election judges of opposite party affiliation assigned to that
12 polling place during the hours of voting on the day of the
13 election. Judges of election shall be compensated not less than
14 \$25.00 for conducting absentee voting in such facilities.

15 Not less than 120 days before each regular election, the
16 Department of Public Health and the Department of Healthcare
17 and Family Services shall certify to the State Board of
18 Elections a list of the facilities licensed or certified
19 pursuant to the Nursing Home Care Act, the Assisted Living and
20 Shared Housing Act, and the Supportive Living Facilities
21 Program provisions of the Illinois Public Aid Code, and shall
22 indicate the approved bed capacity and the name of the chief
23 administrative officer of each such facility, and the State
24 Board of Elections shall certify the same to the appropriate
25 election authority within 20 days thereafter.

26 (Source: P.A. 94-1000, eff. 7-3-06.)

1 (Text of Section after amendment by P.A. 96-339)

2 Sec. 19-12.2. Voting by physically incapacitated or
3 incapacitated senior electors who have made proper application
4 to the election authority not later than 5 days before the
5 regular primary and general election of 1980 and before each
6 election thereafter shall be conducted on the premises of
7 facilities licensed or certified pursuant to the Nursing Home
8 Care Act, ~~or~~ the MR/DD Community Care Act, the Assisted Living
9 and Shared Housing Act, and the Supportive Living Facilities
10 Program provisions of the Illinois Public Aid Code for the sole
11 benefit of residents of such facilities. Such voting shall be
12 conducted during any continuous period sufficient to allow all
13 applicants to cast their ballots between the hours of 9 a.m.
14 and 7 p.m. either on the Friday, Saturday, Sunday or Monday
15 immediately preceding the regular election. This absentee
16 voting on one of said days designated by the election authority
17 shall be supervised by two election judges who must be selected
18 by the election authority in the following order of priority:
19 (1) from the panel of judges appointed for the precinct in
20 which such facility is located, or from a panel of judges
21 appointed for any other precinct within the jurisdiction of the
22 election authority in the same ward or township, as the case
23 may be, in which the facility is located or, only in the case
24 where a judge or judges from the precinct, township or ward are
25 unavailable to serve, (3) from a panel of judges appointed for

1 any other precinct within the jurisdiction of the election
2 authority. The two judges shall be from different political
3 parties. Not less than 30 days before each regular election,
4 the election authority shall have arranged with the chief
5 administrative officer of each facility in his or its election
6 jurisdiction a mutually convenient time period on the Friday,
7 Saturday, Sunday or Monday immediately preceding the election
8 for such voting on the premises of the facility and shall post
9 in a prominent place in his or its office a notice of the
10 agreed day and time period for conducting such voting at each
11 facility; provided that the election authority shall not later
12 than noon on the Thursday before the election also post the
13 names and addresses of those facilities from which no
14 applications were received and in which no supervised absentee
15 voting will be conducted. All provisions of this Code
16 applicable to pollwatchers shall be applicable herein. To the
17 maximum extent feasible, voting booths or screens shall be
18 provided to insure the privacy of the voter. Voting procedures
19 shall be as described in Article 17 of this Code, except that
20 ballots shall be treated as absentee ballots and shall not be
21 counted until the close of the polls on the following day.
22 After the last voter has concluded voting, the judges shall
23 seal the ballots in an envelope and affix their signatures
24 across the flap of the envelope. Immediately thereafter, the
25 judges shall bring the sealed envelope to the office of the
26 election authority who shall deliver such ballots to the

1 election authority's central ballot counting location prior to
2 the closing of the polls on the day of election. The judges of
3 election shall also report to the election authority the name
4 of any applicant in the facility who, due to unforeseen
5 circumstance or condition or because of a religious holiday,
6 was unable to vote. In this event, the election authority may
7 appoint a qualified person from his or its staff to deliver the
8 ballot to such applicant on the day of election. This staff
9 person shall follow the same procedures prescribed for judges
10 conducting absentee voting in such facilities and shall return
11 the ballot to the central ballot counting location before the
12 polls close. However, if the facility from which the
13 application was made is also used as a regular precinct polling
14 place for that voter, voting procedures heretofore prescribed
15 may be implemented by 2 of the election judges of opposite
16 party affiliation assigned to that polling place during the
17 hours of voting on the day of the election. Judges of election
18 shall be compensated not less than \$25.00 for conducting
19 absentee voting in such facilities.

20 Not less than 120 days before each regular election, the
21 Department of Public Health shall certify to the State Board of
22 Elections a list of the facilities licensed or certified
23 pursuant to the Nursing Home Care Act, ~~or~~ the MR/DD Community
24 Care Act, the Assisted Living and Shared Housing Act, and the
25 Supportive Living Facilities Program provisions of the
26 Illinois Public Aid Code, and shall indicate the approved bed

1 capacity and the name of the chief administrative officer of
2 each such facility, and the State Board of Elections shall
3 certify the same to the appropriate election authority within
4 20 days thereafter.

5 (Source: P.A. 96-339, eff. 7-1-10.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.